EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations, which come into operation on 1st April, 1956, amend the Police Pensions (Scotland) Regulations, 1955; the principal amendments relate to a new scheme for widows' ordinary pensions. Regulation 5 provides for the payment of such a pension at a higher rate in the case of the widow of a regular policeman who has paid pension contributions at the increased rate introduced for men by Regulation 13, which (by substituting a new Regulation for Regulation 37 of the 1955 Regulations) increases from 5 per cent. to 6¼ per cent. the rate of contribution. Regular policemen serving on 1st April, 1956, are by Regulation 13 given the choice of continuing to pay contributions at the old rate or paying contributions at the increased rate. There is no change in the rate of a widow's ordinary pension where the policeman retired or died before 1st April, 1956, or continues to serve after that date but chooses to pay pension contributions at the old rate.

Regulation 21 provides for the calculation of the new higher rate of widow's ordinary pension by reference to the husband's pay and service, the rate being, subject to certain qualifications and a flat-rate minimum, one third of that of his retirement pension. In calculating the new higher rate of widow's ordinary pension account is taken of service both before and after 1st April, 1956, notwithstanding that the husband has paid the increased rate of contributions only in respect of service after that date. A regular policeman who pays contributions at the increased rate is required to make the appropriate additional payment in respect of his service before 1st April, 1956, by way of a reduction in his own pension or, in certain cases if he so chooses, by way of payment of additional pension contributions; provision for the reduction in pension is made by Regulation 20 and for the payment of additional pension contributions by Regulation 13 (which inserts in the 1955 Regulations a new Regulation 37A) and by Regulation 22.

1956 No. 1180 (S. 57)

The Police Pensions (Scotland) (No. 2) Regulations, 1956

Made - - - -	*26th July,* 1956
Coming into Operation	*In accordance with Regulation* 52

In exercise of the powers conferred on me by sections one and three of the Police Pensions Act, 1948(a), and section seven of the Pensions (Increase) Act, 1956(b), I hereby, with the consent of the Treasury and after consultation with the Scottish Police Council, make the following Regulations, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:—

PART I

AMENDMENTS OF THE POLICE PENSIONS (SCOTLAND) REGULATIONS, 1955

1.—(1) Sub-paragraph (*d*) (ii) of paragraph (2) of Regulation 8 of the Police Pensions (Scotland) Regulations, 1955(c), (which describes the regular

(a) 11 & 12 Geo. 6. c. 24. (b) 4 & 5 Eliz. 2. c. 39.
(c) S.I. 1955/485 (1955 II, p. 1959).

policeman whose widow is entitled to a widow's ordinary pension) shall be omitted and at the end of the said paragraph (2) there shall be added the following sub-paragraphs:—

"(*e*) who died between the first day of September, 1918, and the fifth day of July, 1948, and whose widow would have been entitled to a pension if in paragraph (*a*) of section three of the Police Pensions Act, 1921(**a**), the words "three years' approved service" had been substituted for the words "five years' approved service"; or

(*f*) who died before the first day of September, 1918, while serving as a regular policeman; or

(*g*) who retired on or before the first day of September, 1918, and has not been a regular policeman since that date and—

(i) so retired on account of an injury or else with a pension and dies or has died either in consequence of the injury or else while in receipt of the pension; or

(ii) dies or has died before that date while entitled to a pension granted under the Police Reservists (Allowances) Act, 1914(**b**), as amended by any subsequent enactment, whether or not he was in receipt of payments in respect of the said pension at the date of his death; or

(*h*) who, having while serving as a regular policeman been called out as a reservist or entered or re-entered, enlisted or re-enlisted in any of the armed forces for the purposes of the war in progress on the first day of September, 1918, died while so serving in the armed forces.".

(2) For paragraph (3) of the said Regulation 8, as set out in Regulation 5 of the Police Pensions (Scotland) Regulations, 1956(**c**), there shall be substituted the following paragraph:—

"(3) A widow's ordinary pension, including such a pension granted before the first day of April, 1956, shall be determined in accordance with—

(*a*) Part VIII of the Second Schedule to these Regulations, where immediately before his death or retirement her husband was paying pension contributions at a rate related to six-and-a-quarter per cent. of his pensionable pay; or

(*b*) Parts I and VII of the said Second Schedule in any other case; so however that the amount of the pension of the widow of such a regular policeman as is mentioned in sub-paragraph (*e*), (*f*), (*g*) or (*h*) of paragraph (2), including any increase therein under Regulation 9, shall be reduced by the amount of any other pension which is also payable to her by the police authority in respect of her husband's death.".

2.—(1) Sub-paragraph (*b*) of paragraph (1) of Regulation 9 of the said Regulations of 1955 (which relates to discretionary pensions for widows) shall be omitted.

(2) In paragraph (2) of the said Regulation 9 the words "or, as the case may be, the pension" shall be omitted.

(3) In paragraph (3) of the said Regulation 9 for the words before the proviso there shall be substituted the following words:—

"A pension increased under this Regulation shall be payable except where the husband died before the fifth day of July, 1948, at a rate

(a) 11 & 12 Geo. 5. c. 31. (b) 4 & 5 Geo. 5. c. 34.
(c) S.I. 1956/434 (p. 1842 above).

increased by fifty-five shillings a week for the first thirteen weeks that the pension is payable and, subject as aforesaid, shall be payable during the periods and in the conditions set out in Part II of the Second Schedule to these Regulations at a rate increased by forty shillings a week.".

3. In paragraph (2) of Regulation 10 of the said Regulations of 1955 (which relates to the calculation of a widow's special pension) after the words "A widow's special pension" there shall be inserted the words "including such a pension granted before the first day of April, 1956,".

4. In paragraph (3) of Regulation 11 of the said Regulations of 1955 (which relates to the discretionary increase of a widow's special pension) for the words "and paragraph (1) of Regulation 66" there shall be substituted the words "paragraph (1) of Regulation 66 and Regulation 66A".

5. At the end of Regulation 14 of the said Regulations of 1955 (which relates to the date of the payment of awards to widows) there shall be added the following paragraph—

"(*c*) where the entitlement to the pension arises at a date subsequent to that of the death of the husband.".

6. In paragraph (3) of Regulation 18 of the said Regulations of 1955 (which relates to the calculation of a child's ordinary allowance) after the words "A child's ordinary allowance" there shall be inserted the words "including such an allowance granted before the first day of April, 1956,".

7. In paragraph (2) of Regulation 19 of the said Regulations of 1955 (which relates to the calculation of a child's special allowance) after the words "A child's special allowance" there shall be inserted the words "including such an allowance granted before the first day of April, 1956,".

8. For sub-paragraph (*a*) of paragraph (4) of Regulation 56 of the said Regulations of 1955 (which relates to the payment to the widow of a serviceman of a pension in lieu of a gratuity) there shall be substituted the following sub-paragraph:—

"(*a*) grant to the widow in lieu of a gratuity a pension and such a pension, including a pension granted before the first day of April, 1956, shall be payable at the rate of twenty-two shillings and eightpence a week, and".

9.—(1) In paragraph (1) of Regulation 65 of the said Regulations of 1955 (which, as amended by subsection (2) of section seven of the Pensions (Increase) Act, 1956, relates to the application of the Pensions (Increase) Acts, 1944 and 1947(**a**)) the proviso shall be omitted.

(2) Paragraph (2) of the said Regulation 65 shall be omitted.

10.—(1) In Regulation 66 of the said Regulations of 1955 (which, as amended by subsection (2) of section seven of the Pensions (Increase) Act, 1956, relates to the application of the Pensions (Increase) Act, 1952(**b**)) paragraph (2) shall be omitted.

(2) In sub-paragraph (*c*) of paragraph (3) of the said Regulation 66 the words "or (2)" shall be omitted.

(3) Paragraph (4) of the said Regulation 66 shall be omitted.

(a) 7 & 8 Geo. 6. c. 21 and 10 & 11 Geo. 6. c. 7.
(b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 45.

11. After Regulation 66 of the said Regulations of 1955 there shall be inserted the following Regulation:—

"*Application of Pensions (Increase) Act,* 1956

66A.—(1) Where it is provided in these Regulations that an amount shall be increased in accordance with this Regulation, it shall be increased by the amount by which a pension of the amount first mentioned would be increased if—

(*a*) the person concerned were in receipt of such a pension; and

(*b*) that pension were specified in Part II of the First Schedule to the Pensions (Increase) Act, 1956.

(2) For the purposes of this Regulation any reference in subsection (1) of section one of the Pensions (Increase) Act, 1956, or the Second Schedule thereto to the thirty-first day of December, 1947, shall be construed as a reference to the first day of July, 1949, and any reference in the said Second Schedule—

(*a*) to a relevant pension shall be construed as including a reference to an award of an amount which these Regulations provide shall be increased in accordance with the provisions of this Regulation;

(*b*) to the basic rate of the relevant pension shall be construed as including a reference to the annual rate of such an award, ignoring any increase in accordance with this Regulation; and

(*c*) to the authorised increase shall be construed as including a reference to the increase in accordance with this Regulation.".

12.—(1) In paragraph 1 of Scheme I of Part I of the Second Schedule to the said Regulations of 1955 (which relates to the calculation of a widow's ordinary pension)—

(*a*) for the rate "twenty-six shillings and tenpence a week" there shall be substituted the rate "thirty-seven shillings and ninepence a week";

(*b*) for the rate "twenty-three shillings a week" there shall be substituted the rate "thirty shillings and twopence a week"; and

(*c*) for the rate "nineteen shillings and twopence a week" there shall be substituted the rate "twenty-two shillings and eightpence a week".

(2) In paragraph 2 of Scheme II of the said Part I for the words "and paragraph (1) of Regulation 66" there shall be substituted the words "paragraph (1) of Regulation 66 and Regulation 66A".

13.—(1) At the beginning of Part II of the Second Schedule to the said Regulations of 1955, there shall be inserted the following words:—

"1. Where the date of the husband's death is the fifth day of July, 1948, or any later date".

(2) At the end of the said Part II there shall be added the following paragraph:—

"2. Where the date of the husband's death is the fourth day of July, 1948, or any earlier date the periods referred to in Regulation 9 are as follows:—

(*a*) any period after the widow has attained the age of sixty;

(*b*) any period during which the widow has a family within the meaning of the Family Allowances Act, 1945(a), which includes a child in receipt of an allowance from the police authority;

(a) 8 & 9 Geo. 6. c. 41.

(*c*) any period during which the widow is incapable of self-support within the meaning of paragraph (*a*) of subsection (5) of section 35 of the National Insurance (Industrial Injuries) Act, 1946(**a**), by reason of any infirmity which rendered her incapable of self-support within the meaning of the said enactment either on the fifth day of July, 1948, or at the expiry of the period mentioned in sub-paragraph (*b*);

(*d*) if the conditions specified in sub-paragraph (*c*) have been fulfilled in respect of a widow, the period of the rest of the widow's life after the expiry of any period of incapability of self-support within the meaning of sub-paragraph (*c*) which expires at a date when either the widow has attained the age of sixty or ten years have elapsed since the date of the marriage and the widow has attained the age of fifty;

(*e*) if the conditions specified in sub-paragraph (*b*) have been fulfilled in respect of a widow, the period of the rest of the widow's life after the expiry of the period mentioned in sub-paragraph (*b*), if at the expiry of that period either the widow has attained the age of sixty or ten years have elapsed since the marriage and the widow has attained the age of forty.".

14. In Part III of the Second Schedule to the said Regulations of 1955 (which relates to the calculation of a widow's special pension) for the words "and paragraph (1) of Regulation 66", in both places where they occur, there shall be substituted the words "paragraph (1) of Regulation 66 and Regulation 66A".

15. In Part IV of the Second Schedule to the said Regulations of 1955 (which relates to the calculation of a widow's special pension where the husband's death results from an attack) after the words "is equal to the amount" there shall be inserted the words "which shall be increased in accordance with the provisions of Regulation 66A".

16. In paragraph 2 of Part VIII of the Second Schedule to the said Regulations of 1955, as set out in Regulation 21 of the Police Pensions (Scotland) Regulations, 1956 (which relates to the calculation of a widow's ordinary pension)—

(*a*) for the amount "twenty-six shillings and tenpence" there shall be substituted the amount "thirty-seven shillings and ninepence";

(*b*) for the amount "twenty-three shillings" there shall be substituted the amount "thirty shillings and twopence"; and

(*c*) for the amount "nineteen shillings and twopence" there shall be substituted the amount "twenty-two shillings and eightpence".

17.—(1) In paragraph 1 of Part I of the Third Schedule to the said Regulations of 1955 (which relates to the calculation of a child's ordinary allowance)—

(*a*) the proviso shall be omitted; and

(*b*) for the Table there shall be substituted the following Table:—

"TABLE

Parent's Rank	Weekly Amount
	s. d.
Higher than Inspector	11 4
Inspector	9 1
Lower than Inspector	7 7"

(a) 9 & 10 Geo. 6. c. 62.

(2) In paragraph 2 of the said Part I—
(*a*) the proviso shall be omitted ; and
(*b*) for the Table there shall be substituted the following Table:—

"TABLE

Parent's Rank	Weekly Amount
	s. d.
Higher than Inspector	17 0
Inspector	13 8
Lower than Inspector	11 5"

18. In paragraphs 1 and 2 of Part II of the Third Schedule to the said Regulations of 1955 (which relate to the calculation of a child's special allowance) for the words " and paragraph (1) of Regulation 66 " in both places where they occur there shall be substituted the words " paragraph (1) of Regulation 66 and Regulation 66A ".

19.—(1) In sub-paragraph (1) (*a*) of paragraph 1 of Part III of the Third Schedule to the said Regulations of 1955 (which relates to discretionary increases in a child's allowance)—
(*a*) the words " and the increased weekly amount may be further increased in accordance with the provisions of paragraph (2) of Regulation 66 by an amount not exceeding the amount so set out in the third column of the said Table " shall be omitted ; and
(*b*) for the Table there shall be substituted the following Table:—

"TABLE

Parent's Rank	Increased Amount
	s. d.
Higher than Inspector	22 8
Inspector	18 2
Lower than Inspector	15 2"

(2) In sub-paragraph (1) (*b*) of the said paragraph 1 for the words " and paragraph (1) of Regulation 66 " there shall be substituted the words " paragraph (1) of Regulation 66 and Regulation 66A ".

20.—(1) In sub-paragraph (*b*) of paragraph 2 of the Fifth Schedule to the said Regulations of 1955 (which limits the amounts of awards payable on the death of a serviceman) for the words " and paragraph (1) of Regulation 66 " there shall be substituted the words " paragraph (1) of Regulation 66 and Regulation 66A ".

(2) In sub-paragraph (*b*) of paragraph 3 of the said Fifth Schedule for the words " and paragraph (1) of Regulation 66 " there shall be substituted the words " paragraph (1) of Regulation 66 and Regulation 66A ".

PART II

AMENDMENTS OF THE POLICE PENSIONS (SCOTLAND) REGULATIONS, 1949, IN SO FAR AS THEY CONTINUE TO HAVE EFFECT UNDER REGULATION 85 OF THE POLICE PENSIONS (SCOTLAND) REGULATIONS, 1955

21.—(1) Paragraph (2) of Regulation 11 of the Police Pensions (Scotland) Regulations, 1949(**a**) (which relates to discretionary pensions for widows) shall be omitted.

(a) S.I. 1949/1240 (1949 I, p. 3401).

(2) In paragraph (3) of the said Regulation 11 the words "or, as the case may be, the pension" shall be omitted.

(3) In paragraph (4) of the said Regulation 11, as set out in Regulation 2 of the Police Pensions (Scotland) Regulations, 1952(a), and amended by Regulation 2 of the Police Pensions (Scotland) (No. 2) Regulations, 1955(b), the words "or granted", in both places where they occur, and the words "or at the rate of" shall be omitted.

22. For paragraph (3) of Regulation 13 of the said Regulations of 1949, as amended by Regulation 4 of the Police Pensions (Scotland) Regulations, 1952, and Regulation 4 of the Police Pensions (Scotland) (No. 2) Regulations, 1955, (which relates to the discretionary increase of a widow's special pension) there shall be substituted the following paragraph:—

"(3) The amount up to which the pension may be increased shall be the amount, which may be increased in accordance with the provisions of Regulation 63, paragraph (1) of Regulation 63A and Regulation 63B, of one-sixth of her husband's average pensionable pay for a week, together with during the periods and in the conditions set out in Part II of the Second Schedule to these Regulations forty shillings a week.".

23. In paragraph (3) of Regulation 20 of the said Regulations of 1949, as set out in Regulation 5 of the Police Pensions (Scotland) Regulations, 1952 (which relates to the calculation of a child's ordinary allowance) for the words "including such an allowance granted before the first day of October, 1952," there shall be substituted the words "which was granted under this Regulation".

24. In paragraph (2) of Regulation 21 of the said Regulations of 1949, as set out in Regulation 6 of the Police Pensions (Scotland) Regulations, 1952 (which relates to the calculation of a child's special allowance) for the words "including such an allowance granted before the first day of October, 1952," there shall be substituted the words "which was granted under this Regulation".

25.—(1) In paragraph (1) of Regulation 63 of the said Regulations of 1949, as amended by Regulation 7 of the Police Pensions (Scotland) Regulations, 1952 (which, as amended by subsection (2) of section seven of the Pensions (Increase) Act, 1956, relates to the application of the Pensions (Increase) Acts, 1944 and 1947) the proviso shall be omitted.

(2) Paragraph (2) of the said Regulation 63 shall be omitted.

26.—(1) In Regulation 63A of the said Regulations of 1949, as set out in Regulation 8 of the Police Pensions (Scotland) Regulations, 1952 (which, as amended by subsection (2) of section seven of the Pensions (Increase) Act, 1956, relates to the application of the Pensions (Increase) Act, 1952) paragraph (2) shall be omitted.

(2) In sub-paragraph (*c*) of paragraph (3) of the said Regulation 63A for the words "this Regulation or this paragraph" there shall be substituted the words "paragraph (1)".

(3) Paragraph (4) of the said Regulation 63A shall be omitted.

27. After Regulation 63A of the said Regulations of 1949 there shall be inserted the following Regulation:—

"*Application of Pensions (Increase) Act*, 1956

63B.—(1) Where it is provided in these Regulations that an amount shall be increased in accordance with this Regulation, it shall be increased by

(a) S.I. 1952/2177 (1952 II, p. 2594). (b) S.I. 1955/486 (1955 II, p. 2006).

the amount by which a pension of the amount first mentioned would be increased if—

(*a*) the person concerned were in receipt of such a pension ; and

(*b*) that pension were specified in Part II of the First Schedule to the Pensions (Increase) Act, 1956.

(2) For the purposes of this Regulation any reference in subsection (1) of section one of the Pensions (Increase) Act, 1956, or the Second Schedule thereto to the thirty-first day of December, 1947, shall be construed as a reference to the first day of July, 1949, and any reference in the said Second Schedule—

(*a*) to a relevant pension shall be construed as including a reference to an award of an amount which these Regulations provide shall be increased in accordance with this Regulation ;

(*b*) to the basic rate of the relevant pension shall be construed as including a reference to the annual rate of such an award, ignoring any increase in accordance with this Regulation ; and

(*c*) to the authorised increase shall be construed as including a reference to the increase in accordance with this Regulation ".

28.—(1) In paragraph (4) of Regulation 65 of the said Regulations of 1949, as set out in Regulation 6 of the Police Pensions (Scotland) Regulations, 1951(**a**), and amended by Regulation 9 of the Police Pensions (Scotland) Regulations, 1952 (which relates to the payment to the widow of a serviceman of a pension in lieu of a gratuity) for the words " at a rate of nineteen shillings and twopence a week ; and " there shall be substituted the words " and a pension granted under this sub-paragraph shall be payable at the rate of twenty-two shillings and eightpence a week ".

(2) At the end of paragraph (6) of the said Regulation 65, as set out in Regulation 9 of the Police Pensions (Scotland) Regulations, 1952, there shall be added the following words " and a pension granted to a widow under paragraph (2) of the said Regulation as so made shall be payable at a rate of not less than twenty-two shillings and eightpence a week ".

29.—(1) In Scheme I of Part I of the Second Schedule to the said Regulations of 1949 (which relates to the calculation of a widow's ordinary pension)—

(*a*) for the rate " twenty-six shillings and tenpence a week " there shall be substituted the rate " thirty-seven shillings and ninepence a week " ;

(*b*) for the rate " twenty-three shillings a week " there shall be substituted the rate " thirty shillings and twopence a week " ; and

(*c*) for the rate " nineteen shillings and twopence a week " there shall be substituted the rate " twenty-two shillings and eightpence a week ".

(2) In paragraph 2 of Scheme II of the said Part I, as amended by Regulation 10 of the Police Pensions (Scotland) Regulations, 1952, for the words " and paragraph (1) of Regulation 63A " there shall be substituted the words " paragraph (1) of Regulation 63A and Regulation 63B ".

30. In paragraph 1 of Part III of the Second Schedule to the said Regulations of 1949, as amended by Regulation 11 of the Police Pensions (Scotland) Regulations, 1952 (which relates to the calculation of a widow's special pension) for the words " and paragraph (1) of Regulation 63A ", in both places where they occur, there shall be substituted the words " paragraph (1) of Regulation 63A and Regulation 63B ".

(a) S.I. 1951/2189 (1951 II, p. 229).

31. In paragraph 1 of Part VI of the Second Schedule to the said Regulations of 1949, as set out in Regulation 2 of the Police Pensions (Scotland) Regulations, 1953(a) (which relates to the calculation of a widow's special pension where the husband's death results from an attack), after the words " is equal to the amount " there shall be inserted the words " which shall be increased in accordance with the provisions of Regulation 63B ".

32.—(1) In paragraph 1 of Part I of the Third Schedule to the said Regulations of 1949, as set out in Regulation 12 of the Police Pensions (Scotland) Regulations, 1952, (which relates to the calculation of a child's ordinary allowance)—

(*a*) the proviso shall be omitted; and

(*b*) for the Table there shall be substituted the following Table:—

" TABLE

Parent's Rank	Weekly Amount
	s. d.
Higher than Inspector	11 4
Inspector	9 1
Lower than Inspector	7 7"

(2) In paragraph 2 of the said Part I—

(*a*) the proviso shall be omitted; and

(*b*) for the Table there shall be substituted the following Table:—

" TABLE

Parent's Rank	Weekly Amount
	s. d.
Higher than Inspector	17 0
Inspector	13 8
Lower than Inspector	11 5"

33. In paragraphs 1 and 2 of Part II of the Third Schedule to the said Regulations of 1949, as amended by Regulation 13 of the Police Pensions (Scotland) Regulations, 1952 (which relate to the calculation of a child's special allowance) for the words " and paragraph (1) of Regulation 63A " in both places where they occur there shall be substituted the words " paragraph (1) of Regulation 63A and Regulation 63B ".

34.—(1) In sub-paragraph (*a*) of paragraph 1 of Part III of the Third Schedule to the said Regulations of 1949, as amended by Regulation 8 of the Police Pensions (Scotland) Regulations, 1950(b) and Regulation 14 of the Police Pensions (Scotland) Regulations, 1952 (which relates to discretionary increases in a child's allowance)—

(*a*) the words " and the increased weekly amount may be further increased in accordance with the provisions of paragraph (2) of Regulation 63A by an amount not exceeding the amount so set out in the third column of the said Table " shall be omitted; and

(a) S.I. 1953/1833 (1953 II, p. 1594). (b) S.I. 1950/764 (1950 II, p. 353).

(*b*) for the Table there shall be substituted the following Table:—

"TABLE

Parent's Rank	Increased Amount
	s. d.
Higher than Inspector	22 8
Inspector	18 2
Lower than Inspector	15 2"

(2) In sub-paragraph (*b*) of the said paragraph 1, for the words "and paragraph (1) of Regulation 63A" there shall be substituted the words "paragraph (1) of Regulation 63A and Regulation 63B".

35.—(1) In sub-paragraph (*b*) of paragraph 2 of the Fifth Schedule to the said Regulations of 1949, as set out in Regulation 11 of the Police Pensions (Scotland) Regulations, 1951, and amended by Regulation 16 of the Police Pensions (Scotland) Regulations, 1952 (which limits the amounts of awards payable on the death of a serviceman) for the words "and paragraph (1) of Regulation 63A" there shall be substituted the words "paragraph (1) of Regulation 63A and Regulation 63B".

(2) In sub-paragraph (*b*) of paragraph 3 of the said Fifth Schedule for the words "and paragraph (1) of Regulation 63A" there shall be substituted the words "paragraph (1) of Regulation 63A and Regulation 63B".

PART III

AMENDMENTS OF THE POLICE PENSIONS (SCOTLAND) REGULATIONS, 1948, IN SO FAR AS THEY CONTINUE TO HAVE EFFECT UNDER REGULATION 84 OF THE POLICE PENSIONS (SCOTLAND) REGULATIONS, 1949

36. The proviso to paragraph (3) of Regulation 12 of the Police Pensions (Scotland) Regulations, 1948(**a**), as set out in Regulation 9 of the Police Pensions (Scotland) (No. 2) Regulations, 1955 (which relates to the calculation of a widow's ordinary pension) shall be omitted.

37.—(1) Paragraph (2) of Regulation 13 of the said Regulations of 1948 (which relates to discretionary pensions for widows) shall be omitted.

(2) In paragraph (3) of the said Regulation 13 the words "or, as the case may be, the pension" shall be omitted.

(3) In paragraph (4) of the said Regulation 13, as set out in Regulation 18 of the Police Pensions (Scotland) Regulations, 1952, and amended by Regulation 10 of the Police Pensions (Scotland) (No. 2) Regulations, 1955, the words "or granted", in both places where they occur, and the words "or at the rate of" shall be omitted.

38. In paragraph (3) of Regulation 14A of the said Regulations of 1948, as set out in Regulation 11 of the Police Pensions (Scotland) (No. 2) Regulations, 1955 (which relates to the discretionary increase of a widow's special pension) for the words "and (6A)" there shall be substituted the words "(6A) and (6B)".

39.—(1) For the proviso to paragraph (1) of Regulation 18 of the said Regulations of 1948, as amended by Regulation 20 of the Police Pensions (Scotland) Regulations, 1952, and Regulation 12 of the Police Pensions

(**a**) S.I. 1948/1530 (1948 I, p. 3503).

(Scotland) (No. 2) Regulations, 1955 (which relates to awards to widows made before the fifth day of July, 1948) there shall be substituted the following words :—

" so however that the pension payable in each case—

(*a*) where the said Acts provide that it shall be calculated otherwise than by reference to annual pay, shall be of an amount calculated in accordance with Scheme I of Part I of the Second Schedule to these Regulations ; or

(*b*) where the said Acts provide that it shall be calculated by reference to annual pay, shall be of an amount calculated in accordance with the said Acts (without taking into account any increase under the Pensions (Increase) Acts, 1944 and 1947) increased either in accordance with the provisions of paragraphs (6), (6A) and (6B) of Regulation 66 or by such amounts as will secure that it is not less than it would have been had it fallen to be calculated in accordance with sub-paragraph (*a*), whichever increase is from time to time the more favourable to the widow.".

(2) Paragraph (2) of the said Regulation 18 shall be omitted.

(3) Paragraph (4) of the said Regulation 18 shall be omitted.

(4) In paragraph (5) of the said Regulation 18, as set out in the Schedule to the Police Pensions (Scotland) (Amendment) Regulations, 1948(**a**), the words " or, as the case may be, the pension " shall be omitted.

(5) For paragraph (6) of the said Regulation 18, in so far as it relates to the increase of a pension, there shall be substituted the following paragraph :—

" (6) Where a pension is or has been increased under paragraph (3) it shall be payable during the periods set out in Part VI of the Second Schedule to these Regulations at a rate increased by forty shillings a week :

Provided that a pension calculated in accordance with sub-paragraph (*b*) of paragraph (1), otherwise than by reference to the non-accidental rate specified in paragraph 7 of Part II of the First Schedule to the Police Pensions Act, 1921, shall not be payable at an increased rate exceeding the increased rate at which it would have been payable had the pension been calculated in accordance with sub-paragraph (*a*) of paragraph (1).".

(6) Paragraph (6) of the said Regulation 18, in so far as it relates to the grant of a pension, shall be omitted.

(7) Paragraphs (7) and (8) of the said Regulation 18

(*a*) in so far as they relate to the increase of a pension, and

(*b*) in so far as they relate to the grant of a pension,

shall be omitted.

40. The proviso to paragraph (3) of Regulation 22 of the said Regulations of 1948, as set out in Regulation 21 of the Police Pensions (Scotland) Regulations, 1952 (which relates to the calculation of a child's ordinary allowance) shall be omitted.

41. The proviso to paragraph (1) of Regulation 24 of the said Regulations of 1948, as set out in Regulation 13 of the Police Pensions (Scotland) (No. 2) Regulations, 1955 (which relates to the calculation of a child's allowance) shall be omitted.

(a) S.I. 1948/2828 (1948 I, p. 3546).

42.—(1) For the proviso to paragraph (1) of Regulation 28 of the said Regulations of 1948, as amended by Regulation 24 of the Police Pensions (Scotland) Regulations, 1952 (which relates to awards to children made before the fifth day of July, 1948) there shall be substituted the following words:—

"so however that the allowance payable in each case—

(*a*) where the said Acts provide that it shall be calculated otherwise than by reference to annual pay, shall be of an amount calculated in accordance with paragraph 1 of Part I of the Third Schedule to these Regulations or, if in the circumstances mentioned in paragraphs 2 or 3 of the said Part I the police authority think fit, in accordance with paragraph 2 of the said Part I; or

(*b*) where the said Acts provide that it shall be calculated by reference to annual pay, shall be of an amount calculated in accordance with the said Acts (without taking into account any increase under the Pensions (Increase) Acts, 1944 and 1947) increased either in accordance with the provisions of paragraphs (6), (6A) and (6B) of Regulation 66 or by such amount as will secure that it is not less than it would have been had it fallen to be calculated in accordance with sub-paragraph (*a*), whichever increase is the more favourable to the child.".

(2) For paragraph (2) of the said Regulation 28 there shall be substituted the following paragraph:—

"(2) Where in the case of any child the police authority have increased an allowance under paragraph 9 or the proviso to paragraph 10 of the First Schedule to the Police Pensions Act, 1921, then in relation to that child they shall be deemed to have exercised the discretion conferred on them by sub-paragraph (*a*) of paragraph (1).".

43. In paragraph (2) of Regulation 30 of the said Regulations of 1948, as amended by Regulation 25 of the Police Pensions (Scotland) Regulations, 1952 (which relates to awards on the death of a serviceman)—

(*a*) the words "at a rate of not less than 11s. 6d. a week" shall be omitted;

(*b*) after the words "under paragraph (1) of this Regulation" there shall be inserted the words "and a pension so granted shall be payable at the rate of twenty-two shillings and eightpence a week"; and

(*c*) for the words "and (6A)" in both places where they occur, there shall be substituted the words "(6A) and (6B)".

44.—(1) In paragraph (6) of Regulation 66 of the said Regulations of 1948, as amended by Regulation 26 of the Police Pensions (Scotland) Regulations, 1952 (which, as amended by subsection (2) of section seven of the Pensions (Increase) Act, 1956, relates to the application of the Pensions (Increase) Acts, 1944 and 1947) the words from "Provided that" to "shall be ignored" shall be omitted.

(2) In paragraph (6A) of the said Regulation 66 (which, as amended by subsection (2) of section seven of the Pensions (Increase) Act, 1956, relates to the application of the Pensions (Increase) Act, 1952) sub-paragraph (*c*) shall be omitted.

(3) For paragraph (6B) of the said Regulation 66 (which, as amended by subsection (2) of section seven of the Pensions (Increase) Act, 1956, relates to the application of the Pensions (Increase) Act, 1952) there shall be substituted the following paragraph :—

"(6B) (*a*) Where it is provided in these Regulations that an amount shall be increased in accordance with this paragraph, it shall be increased by the amount by which a pension of the amount first mentioned would be increased if—

(i) the person concerned were in receipt of such a pension ; and

(ii) that pension were specified in Part II of the First Schedule to the Pensions (Increase) Act, 1956.

(*b*) For the purposes of this paragraph any reference in subsection (1) of section one of the Pensions (Increase) Act, 1956, or the Second Schedule thereto to the thirty-first day of December, 1947, shall be construed as a reference to the first day of July, 1949, and any reference in the said Second Schedule—

(i) to a relevant pension shall be construed as including a reference to an award of an amount which these Regulations provide shall be increased in accordance with the provisions of this paragraph ;

(ii) to the basic rate of the relevant pension shall be construed as including a reference to the annual rate of such an award, ignoring any increase in accordance with this paragraph ; and

(iii) to the authorised increase shall be construed as including a reference to the increase in accordance with this paragraph.".

45.—(1) In Scheme I of Part I of the Second Schedule to the said Regulations of 1948, as amended by Regulation 27 of the Police Pensions (Scotland) Regulations, 1952 (which relates to the calculation of a widow's ordinary pension)—

(*a*) for the rate "nineteen shillings and twopence a week" there shall be substituted the rate "thirty-seven shillings and ninepence a week" ;

(*b*) for the rate "fifteen shillings and fourpence a week" there shall be substituted the rate "thirty shillings and twopence a week" ; and

(*c*) for the rate "eleven shillings and sixpence a week" there shall be substituted the rate "twenty-two shillings and eightpence a week" ;

and the proviso to the said Scheme I shall be omitted.

(2) In paragraph 2 of Scheme II of the said Part I for the words "and (6A)" there shall be substituted the words "(6A) and (6B)".

46. In paragraph 1 of Part III of the Second Schedule to the said Regulations of 1948, as amended by Regulation 28 of the Police Pensions (Scotland) Regulations, 1952 (which relates to the calculation of a widow's special pension) for the words "and (6A)", in both places where they occur, there shall be substituted the words "(6A) and (6B)".

47. In paragraph 1 of Part VII of the Second Schedule to the said Regulations of 1948, as set out in Regulation 5 of the Police Pensions (Scotland) Regulations, 1953 (which relates to the calculation of a widow's special pension when the husband's death results from an attack) after the words "is equal to the amount" there shall be inserted the words "which shall be increased in accordance with the provisions of paragraph (6B) of Regulation 66".

48.—(1) In paragraph 1 of Part I of the Third Schedule to the said Regulations of 1948 (which relates to the calculation of a child's ordinary allowance)—

(*a*) for the rate "eight shillings and one penny a week" there shall be substituted the rate "eleven shillings and fourpence a week";

(*b*) for the rate "six shillings and sevenpence a week" there shall be substituted the rate "nine shillings and one penny a week"; and

(*c*) for the rate "five shillings and fivepence a week" there shall be substituted the rate "seven shillings and sevenpence a week".

(2) In paragraph 2 of the said Part I—

(*a*) for the rate "twelve shillings and twopence a week" there shall be substituted the rate "seventeen shillings a week";

(*b*) for the rate "nine shillings and elevenpence a week" there shall be substituted the rate "thirteen shillings and eightpence a week"; and

(*c*) for the rate "eight shillings and twopence a week" there shall be substituted the rate "eleven shillings and fivepence a week".

(3) Paragraph 4 of the said Part I, as set out in Regulation 29 of the Police Pensions (Scotland) Regulations, 1952, shall be omitted.

49. In paragraphs 1 and 2 of Part II of the Third Schedule to the said Regulations of 1948, as amended by Regulation 30 of the Police Pensions (Scotland) Regulations, 1952 (which relate to the calculation of a child's special allowance) for the words "and (6A)", in both places where they occur, there shall be substituted the words "(6A) and (6B)".

50.—(1) In sub-paragraph (*a*) of paragraph 1 of Part III of the Third Schedule to the said Regulations of 1948, as amended by Regulation 31 of the Police Pensions (Scotland) Regulations, 1952 (which relates to discretionary increases in a child's allowance)—

(*a*) for the rate "sixteen shillings and twopence a week" there shall be substituted the rate "twenty-two shillings and eightpence a week";

(*b*) for the rate "thirteen shillings and twopence a week" there shall be substituted the rate "eighteen shillings and twopence a week"; and

(*c*) for the rate "ten shillings and tenpence a week" there shall be substituted the rate "fifteen shillings and twopence a week";

and the proviso to the said sub-paragraph (*a*) shall be omitted.

(2) In sub-paragraph (*b*) of the said paragraph 1 for the words "and (6A)" there shall be substituted the words "(6A) and (6B)".

PART IV

GENERAL

51. Section thirty-eight of the Interpretation Act, 1889(**a**), shall apply in relation to the provisions revoked by these Regulations as if these Regulations were an Act of Parliament and as if the said provisions were an Act of Parliament repealed by an Act of Parliament.

52.—(1) The foregoing provisions of these Regulations other than—

(*a*) paragraph (1) of Regulation 1, Regulation 2, Regulation 5, Regulation 13, Regulation 21, Regulation 37 and paragraphs (3), (4), (6) and sub-paragraph (*b*) of paragraph (7) of Regulation 39 (which relate to a widow's entitlement to a pension and matters connected therewith); and

(a) 52 & 53 Vict. c. 63.

(*b*) Regulation 9, paragraph (3) of Regulation 10, Regulation 25, paragraph (3) of Regulation 26 and paragraphs (1) and (2) of Regulation 44 (which relate to the revocation of provisions relating to the calculation of income for the purposes of the application of the Pensions (Increase) Acts, 1944 and 1947, and of the Pensions (Increase) Act, 1952);

shall take effect as from the first day of April, 1956.

(2) Save as aforesaid, the provisions of these Regulations shall take effect as from the sixth day of August, 1956.

(3) These Regulations may be cited as the Police Pensions (Scotland) (No. 2) Regulations, 1956.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

25th July, 1956.

We consent,

Peter Legh,
E. B. Wakefield,
Two of the Lords Commissioners of Her Majesty's Treasury.

26th July, 1956.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations, which are made under sections 1 and 3 of the Police Pensions Act, 1948, and section 7 of the Pensions (Increase) Act, 1956, relate to widows' pensions and children's allowances; Part I amends the Police Pensions (Scotland) Regulations, 1955, which relate to awards made on and after 25th April, 1955; Part II amends the Police Pensions (Scotland) Regulations, 1949, which relate to awards made between 1st July, 1949, and 25th April, 1955, and Part III amends the Police Pensions (Scotland) Regulations, 1948, which relate to awards made before 1st July, 1949.

Regulations 1, 2, 5, 13, 21, 37 and 39 make provision whereby certain widows who have previously been in receipt of no pension or merely of a discretionary pension will be entitled to a flat rate pension.

The remainder of the amendments made by the Regulations provide for increases in pensions and allowances. These amendments provide for the payment of flat rate widows' pensions at new increased basic rates, irrespective of the date of the husband's death (Regulations 12, 29 and 45); for the payment of flat rate children's allowances at similarly increased rates (Regulations 17, 32 and 48); and for the increase of widows' pensions and children's allowances, other than flat rate awards, by an amount calculated (as provided in Regulations 11, 27 and 44 (3)) by reference to the Pensions (Increase) Act, 1956.

In so far as the Regulations make provision for increases in pensions and allowances, Regulation 52 provides that they shall have effect as from 1st April, 1956, the appointed day for the purposes of the Pensions (Increase) Act, 1956.